

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SEP 12 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

HEATHER COUCHMAN, et al,

Plaintiffs,

v.

No. 5:22-cv-00929-OLG

JACQUELYN CALLANEN, et al,

Defendants.

**CERTIFICATE OF CONFERENCE RE: RECORD
RETENTION AND SERVICE**

TO THE HONORABLE JUDGE GARCIA,

From the dates of August 28, 2022 to August 31, 2022, Plaintiffs and Defendants conferred though email with respect to retention of records and method of service. The following is a summary of that conference:

RECORD RETENTION

Plaintiff Heather Couchman respectfully requested an agreement from the Defendants to acknowledge he willingness to cooperate with the Preservation of Records letter sent to all Defendants on August 1, 2022 to retain and not destroy any election information records from the 2020 election general election. Defendants' attorney agreed in writing that on August 31, 2022 she had "confirmed that the Bexar County Elections Office will not be destroying any records from

the November 2020 general election. They will continue to preserve these records.” Plaintiffs and Defendants agree on the issue of record attention. (Appendix P-1 pg. 2)

SERVICE

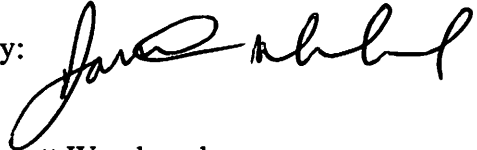
On August 28, 2022, Plaintiff Heather Couchman emailed Defendants’ attorney Lisa Cubriel explaining that Plaintiffs were having difficulty accessing the courts CM/ECF and requested to open Rule 5 to agree to email service until Plaintiffs could access the CM/ECF system. Ms. Cubriel agreed to electronic service. (Appendix P-1 pg. 6) Plaintiffs are still attempting to get approval from the court to access the CM/ECF service.

The Certificates of Service for Defendants’ Supplemental Notice of Removal Action and Defendants’ Brief in Opposition to Plaintiffs’ Motion to Remand both strictly state that service was completed on Plaintiffs through the CM/ECF system which provided electronic service upon all parties. That statement is false as no Plaintiff has received either of those documents in their emails from this court.

Except for Plaintiff Jarrett Woodward, all other Plaintiffs were sent a court stamped copy of the documents to their email. Mr. Woodward only found out about the Defendants’ filings from other Plaintiffs. Mr. Woodward noticed in an email forwarded to him that his email address was spelled wrong. Upon that revelation, Mr. Woodward notified Defendants’ attorney Robert Piatt III in person on September 2, 2022 about the spelling error and not being served those documents while serving the Plaintiffs’ Reply to Defendants’ Motion to Oppose Remand. He showed Mr. Piatt exactly where the spelling mistake occurred. Mr. Piatt stated he would have Ms. Cubriel correct and email out to Mr. Woodward for proper service. To date, Mr. Woodward attests that he has still not received any emails from Defendants’ attorneys or office paralegals in reference to this case. Mr. Woodward requests that Defendants correct his email address so that he may have

equal access to the filings in this case in a timely manner as he is a pro se litigant and not represented by any other Plaintiff. All Plaintiffs have received service by certified mail.

Respectfully submitted this 12th day of September, 2022,

By: 

Jarrett Woodward
8910 N Loop 1604 W Apt 1633
San Antonio, TX 78249
210-693-7457
Digging4au@protonmail.com
Pro se

Certificate of Service

On September 12, 2022, I served a true and correct copy of this response in accordance to the Federal Civil Rules of Procedure to attorney for Defendants as follows:

LISA CUBRIEL
State Bar No. 24045731
Lisa.Cubriel@bexar.org
ROBERT W. PIATT III
State Bar No. 24041692
Robert.Piatt@bexar.org Assistant District Attorneys,
Civil Division
101 W. Nueva, 7th Floor
San Antonio, Texas 78205
Telephone: (210) 335-2142
Facsimile: (210) 335-2773 Attorney for Defendants

By: 

Jarrett Woodward
8910 N Loop 1604 W Apt 1633
San Antonio, TX 78249
210-693-7457
Digging4au@protonmail.com
Pro se

/s/ **Heather Couchman**
Heather Couchman
16511 Stone Ridge Dr.
San Antonio, TX 78232
210-943-6020
HeatherNTX@protonmail.com

/s/ **Matthew R Stuckey**
Matthew R Stuckey
20533 Wind Springs
San Antonio, TX 78258
210-748-8097
hunterofwine@gmail.com

/s/ **Madelon Highsmith**
Madelon Highsmith
251 Brightwood Pl
San Antonio, TX 78209
214-505-5071
Highsmith@ME.com

/s/ **Marsha Landry**
Marsha Landry
5819 Lost Creek St
San Antonio, TX 78247
210-710-1722
Mrandmrslandry17@protonmail.com

/s/ **Rodney Landry**
Rodney Landry
5819 Lost Creek St
San Antonio, TX 78247
210-710-1722
Mrandmrslandry17@protonmail.com

/s/ **Jana Willborn**
Jana Willborn
2302 Tory Hill St
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210-378-8503
jwillborn@gmail.com

/s/ **Sylvia Ann Currie**
Sylvia Ann Currie
1303 White Rock
San Antonio, TX 78245
210-673-8673
Sylviaacurrie@hotmail.com

/s/ **Leigh Maddox**
Leigh Maddox
10539 Calico Creek
San Antonio, TX 78427
701-838-1009
l.erin99@gmail.com

APPENDIX P-1

**Email Correspondence Between Heather
Couchman and Lisa Cubriel 8/28/22-8/31/22**

Fwd: RE: Couchman, et al. v. Callanen, et al.

From heatherntx@protonmail.com <HeatherNTX@protonmail.com>

To digging4au@protonmail.com

Date Saturday, September 3rd, 2022 at 9:56 AM

Can you create a PDF of this? I can't do it from my iPad

----- Forwarded message -----

From: Cubriel, Lisa <Lisa.Cubriel@bexar.org>

Date: On Thu, Sep 1, 2022 at 12:28 PM

Subject: Fwd: RE: Couchman, et al. v. Callanen, et al.

To: 'HeatherNTX' <HeatherNTX@protonmail.com>

CC:

Ms. Couchman,

I did put it in writing, on behalf of my client. The Bexar County Elections Office is committed to preserving the records from the 2020 general election. The email contains my signature line.

Sincerely,

Lisa V. Cubriel

Assistant District Attorney – Civil Section

Bexar County District Attorney's Office

7th Floor Paul Elizondo Tower

101 W. Nueva

San Antonio, Texas 78205

(210) 335-2142 – Direct

(210) 335-2773 - Fax

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taking of any action concerning the contents of this communication by anyone other than the named recipient(s) is strictly prohibited."

From: HeatherNTX <HeatherNTX@protonmail.com>

Sent: Wednesday, August 31, 2022 5:44 PM

To: Cubriel, Lisa <Lisa.Cubriel@bexar.org>

Subject: RE: Couchman, et al. v. Callanen, et al.

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Can we get that in writing with signatures, please?

Heather Couchman

On Wed, Aug 31, 2022 at 4:58 PM, Cubriel, Lisa <Lisa.Cubriel@bexar.org> wrote:

Ms. Couchman,

In follow-up to my last email, I have confirmed that the Bexar County Elections Office will not be destroying any records from the November 2020 general election. They will continue to preserve these records.

Sincerely,

Lisa V. Cubriel

Assistant District Attorney – Civil Section

Bexar County District Attorney's Office

7th Floor Paul Elizondo Tower

101 W. Nueva

San Antonio, Texas 78205

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From: HeatherNTX <HeatherNTX@protonmail.com>

Sent: Wednesday, August 31, 2022 2:21 PM

To: Cubriel, Lisa <Lisa.Cubriel@bexar.org>

Subject: RE: Couchman, et al. v. Callanen, et al.

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Yes after September 3rd they can destroy records from the 2020 election.

Heather Couchman

On Wed, Aug 31, 2022 at 2:16 PM, Cubriel, Lisa <Lisa.Cubriel@bexar.org> wrote:

Ms. Couchman,

Thank you for providing the documents. I did not see that they had been filed last Friday, and I can file a supplement to the removal.

I am not sure what you mean by only having two days left – can you please clarify?

If you are referring to election records from November 2022, our Elections Office has to preserve them in accordance with the law and will continue to do so.

Sincerely,

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Lisa V. Cubriel
Assistant District Attorney – Civil Section
Bexar County District Attorney's Office
7th Floor Paul Elizondo Tower
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From: HeatherNTX <HeatherNTX@protonmail.com>
Sent: Wednesday, August 31, 2022 12:45 PM
To: Cubriel, Lisa <Lisa.Cubriel@bexar.org>
Cc: Piatt, Robert <robert.piatt@bexar.org>
Subject: RE: Couchman, et al. v. Callanen, et al.

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These two documents were accepted by the court shortly before it was moved to Federal. I did not see it in your documents so I just wanted to make sure you have a copy. Can we discuss getting an order to retain election information records before the deadline? We only have 2 days left.

Regards

Heather Couchman

On Mon, Aug 29, 2022 at 3:02 PM, Cubriel, Lisa <Lisa.Cubriel@bexar.org> wrote:

Ms. Couchman,

No thanks, it can be scanned in.

Sincerely,

Lisa V. Cubriel

Assistant District Attorney – Civil Section

Bexar County District Attorney's Office

7th Floor Paul Elizondo Tower

101 W. Nueva

San Antonio, Texas 78205

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From: HeatherNTX <HeatherNTX@protonmail.com>

Sent: Monday, August 29, 2022 2:41 PM

To: Cubriel, Lisa <Lisa.Cubriel@bexar.org>

Subject: RE: Couchman, et al. v. Callanen, et al.

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Would you like a PDF version of what I hand delivered today?

Heather Couchman

On Mon, Aug 29, 2022 at 10:08 AM, Cubriel, Lisa <Lisa.Cubriel@bexar.org> wrote:

Good morning, Ms. Couchman. Electronic service is fine for now.

Sincerely,

Lisa V. Cubriel

Assistant District Attorney – Civil Section

Bexar County District Attorney's Office

7th Floor Paul Elizondo Tower

101 W. Nueva

San Antonio, Texas 78205

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From: HeatherNTX <HeatherNTX@protonmail.com>

Sent: Sunday, August 28, 2022 11:43 AM

To: Cubriel, Lisa <Lisa.Cubriel@bexar.org>

Subject: Re: Couchman, et al. v. Callanen, et al.

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RE: CASE NO. 5:22-cv-00929-OLG, *Couchman et al. v. Callanen, et al.*, In the United States District Court for the Western District of Texas

Good Morning,

I am having difficulty setting up the Pacer/ECF Filing system as it is down for maintenance today. Would you be willing to cooperate and open Rule 5 for communications and will you consent to email service until I get the issue with the ECF system resolved?

Respectfully,

Heather Couchman

On Fri, Aug 26, 2022 at 2:50 PM, Cubriel, Lisa <Lisa.Cubriel@bexar.org> wrote:

RE: CASE NO. 5:22-cv-00929-OLG, *Couchman et al. v. Callanen, et al.*, In the United States District Court for the Western District of Texas

Good afternoon.

The lawsuit that was filed by Plaintiffs on August 1, 2022 in state court, Cause No. 2022-CI-14328, *Couchman, et al. v. Callanen, et al.*, In the 224th Judicial District Court, has been removed to federal court. Please see the attached. The State Court no longer has jurisdiction over the case.

Sincerely,

Lisa V. Cubriel

Assistant District Attorney – Civil Section

Bexar County District Attorney's Office

7th Floor Paul Elizondo Tower

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